KENNEBEC JOURNAL
4/1/88

Maine takes balanced approach dealing with AIDS testing issue

By MARY ELLEN MATAVA
Staff Writer

AUGUSTA — The attorney for the Maine Hospital Association said Maine is at the forefront of states dealing with the effect of the AIDS epidemic on health care workers, but civil libertarians say the proposed legislation goes too far.

Current law, enacted last year by the Legislature, says patients must give their consent before being tested for AIDS.

"Only a handful of states have informed consent laws," William Julavits said. "Some states are doing tests without the consent of the patient."

If it is known that a person has tested positive for the AIDS virus, he or she runs into a lot of discrimination, Julavits said, in the job market, getting insurance or even renting a house. Laws are needed to protect these "seropositive" people, he said.

"Maine is in the minority of states which is putting into public policy protection for these people who might be seropositive, and treating the disease different from other diseases because of what can happen to the victims," Julavits said.

This year, the MHA and other health care groups want the Legislature to enact amendments to last year's law that would protect health care workers who take care of patients, often not knowing if they are infected with AIDS.

Doctors, nurses and technicians who are accidently exposed to a patient's blood or other bodily fluid, known to transmit the AIDS virus, should be able to find out if that patient is infected with the virus, Julavits said. "It has to happen," he said.

If the patient refuses to be tested, the hospital has no recourse, Julavits said. "We think that is wrong. We think the health care team needs to be protected."

Kennebec Journal/JILL GREENLAW
William Julavits.

But the executive director of the Maine Civil Liberties Union said there is no need to test the patient, that the health care worker should be the one to undergo testing. Because there is a "window" between the time a person is exposed to the AIDS virus and the time it shows up in his or her blood, Sally Sutton said testing the patient would be useless.

"Because there is that window, whether the test is positive or negative, it does not give the health care worker any information on whether or not they have been exposed," she said.

Sometimes it can take up to a year for a person to test positive for the AIDS virus after having been exposed. In the meantime, Julavits said, not knowing the outcome can make life miserable.

"If you can't get that information, you just bought yourself a year of a certain amount of nervousness," he said.

The Legislature's Human Resources Committee is concerned about health care workers being exposed to the AIDS virus on the job, Rep. Jean T. Dellert, R-Gardiner. The committee will hold a work session next week on bills that would allow a hospital to get a court order to conduct an AIDS test. Related bills include one that would make sure hospitals have confidentiality policies regarding patients who are seropositive.

"As far as I know, no other state is moving in this direction," Julavits said. "Maine is taking a balanced approach to dealing with this issue. This is not easy stuff for legislators and public policymakers to deal with."

If Maine passed a law allowing court-ordered AIDS tests, Sutton said it would be the first one to do so. "California and New York haven't found this to be necessary," Sutton said, adding that the prevalence of AIDS in those states is considerably higher than in Maine.

"The concern we have about testing is that the patient is already in a delicate situation, being in the hospital," she said. "To force them to be tested, I would be concerned about that person and their mental health."

2071964649

Source: https://www.industrydocuments.ucsf.edu/docs/shln0004